

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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STACY BLAIN, PH.D.,

Plaintiff,

-against-

STATE UNIVERSITY OF NEW
YORK, WAYNE RILEY, HEIDI
ARONIN, DAVID CHRISTINI,
VITALY CITOVSKY, RICHARD
GRONOSTAJSKI, PATRICIA KANE,
FRANK MIDDLETON, SHOSHANA
MILSTEIN, LAURIE READ, DAVID
SCHOENHAUT, MARK STEWART,
AND WILLIAM VERSFELT,

Defendants.

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MEMORANDUM AND ORDER

Case No. 22-CV-3022-FB-MMH

Appearances:

For the Plaintiff:

JIM WALDEN
Walden Macht & Haran LLP
250 Vesey Street, 27th Floor
New York, New York 10281

For Defendant David Schoenhaut:

NICHOLAS J. EVANOVICH
LaMarche Safranko Law, PLLC
987 New Loudon Road
Cohoes, New York 12047

For Defendant Mark Stewart:

SAMUEL SHAPIRO
Emery Celli Brinckerhoff & Abady
LLP
600 Fifth Avenue, 10th Floor
New York, New York 10020

For the Remaining Defendants:
CLEMENT J. COLUCCI
Assistant Attorney General
State of New York
28 Liberty Street
New York, New York 10005

BLOCK, Senior District Judge:

Following a prepromotion conference on November 16, 2023, the Court directed the parties to submit 5-page letters addressing the three proposed motions to dismiss the amended complaint for failure to state a claim. As explained at a second conference on December 7, 2023, the Court deems those letters sufficient to brief the parties' respective positions on those motions and accepts them in lieu of formal briefing. Having considered the letters, the Court rules as follows:

1. The motion of Defendants State University of New York ("SUNY"), Wayne Riley, Heidi Aronin, David Christini, Vitaly Citovsky, Richard Gronostajski, Patricia Kane, Frank Middleton, Shoshana Milstein, Laurie Read, and William Versfelt (collectively, the "SUNY Defendants") is denied. With respect to discrimination, SUNY's legal obligations obviously constitute a legitimate non-discriminatory reason for conducting the research misconduct investigation. However, there are sufficient allegations—in particular that a male graduate student was exonerated of manipulating the same data—to raise an inference that the conduct and outcome of the investigation were driven by Dr.

Blain's sex. With respect to retaliation, the key issue is whether the investigation committee knew about Dr. Blain's discrimination complaint. There may or may not be enough evidence to support her allegation, but Dr. Blain has at least alleged that it did.

2. The motions of Defendant David Schoenhaut and Mark Stewart are granted. At the December 7th conference, the Court stated that Dr. Blain had sufficiently alleged that Dr. Schoenhaut's conduct regarding contract negotiations was coordinated with Dr. Stewart's handling of "the investigation" in such a way that both were being used as ways to treat Dr. Blain less favorably based on her sex. In honoring Dr. Stewart's counsel's request to elaborate the reasoning regarding his client's involvement, the Court reexamined the allegations regarding both Drs. Schoenhaut and Stewart. Those allegations relate to Dr. Stewart's 2016 investigation into allegations of research misconduct by the male graduate student, not the 2019 investigation that forms the crux of Dr. Blain's complaint. The concrete factual allegations in the amended complaint do not support the conclusory allegation that Dr. Stewart's 2016 investigation was tainted by discriminatory bias against Dr. Blain. As a result, there are insufficient factual allegations that Dr. Schoenhaut's contract negotiations had a discriminatory motive even if they were coordinated with Dr. Stewart's investigation. Finally, there are insufficient factual allegations that Dr. Stewart and Dr. Schoenhaut were involved

in the 2019 investigation in such a way that either could be plausibly said to have aided and abetted any discrimination present in that investigation.

SO ORDERED.

/S/ Frederic Block
FREDERIC BLOCK
Senior United States District Judge

Brooklyn, New York
December 8, 2023.